

REMARKS

Claims 2 - 15, 25, 26, 31, 38 - 44, 56 and 47 remain active in this application. Claims 1, 16 - 24, 27 - 30, 32 - 37 and 45 have previously been canceled. No amendments are currently made and no new matter has been introduced into the application.

The Examiner has required election of species between Species A (claims 2 - 12, 25, 26, 31, 38 - 44 46 and 47) and Species B (claims 13 - 15). Provisional election of Species A has been made with traverse, above.

The requirement for election of species is respectfully traversed since, while the respective claims indicated to correspond to the respective species by the Examiner differ and are patentably distinct, it is respectfully submitted that the Examiner's assertion that the identified species are mutually exclusive is clearly incorrect and contrary to the explicit recitations of claim 13. Specifically, the Examiner correctly understands the subject matter of Species A as reciting that the laser beam heats the die body to form a puddle and blade material in the form of a powder to the puddle upon puddle formation but while continuing to heat the die body with the laser along a path (to continue the formation of the puddle). However, in regard to Species B which recites that the laser is scanned to form a puddle and blade material in the form of a powder is simultaneously applied to the puddle from a tube moving concurrently with the laser beam, the claim recitations noted by the Examiner do not, in fact require that the "the area on which the laser beam impinges at any given time and the area to which the powder is supplied are the same", as the Examiner asserts. That the tube may move concurrently with the laser beam along a path has nothing

to do with the locations on which the laser beam and the powdered blade material meet the die surface or puddle. Therefore, it does not logically follow that "the area on which the laser beam impinges at any given time and the area to which the powder is supplied are the same", as the Examiner asserts. On the contrary, claim 13 (the only independent claim associated with Species B by the Examiner) actually recites (emphasis added) that the powder is applied "to said puddle along said predetermined path via a tube moving concurrently with and radially spaced from an axis of said laser beam".

From the Examiner's incorrect assumption in regard to Species B (which does not consider the entire recitation in context), the Examiner then incorrectly concludes that the identified species are mutually exclusive and that incorrect conclusion is the only reason asserted by the Examiner for holding that the identified species are "independent or distinct" and that there would be a serious burden of examination because of the mutually exclusive characteristics. Accordingly, it is respectfully submitted that since the Examiner is incorrect in regard to the conclusion as to the identity of the areas of laser impingement and application of powdered blade material at any given time in regard to Species B, the Examiner has failed to demonstrate either independence or distinctness of the invention or that a serious burden of examination would exist in the absence of the requirement for election of species in order to properly support the requirement. It is also respectfully submitted that a serious burden of examination cannot exist for claims 13 - 15 since those claims have already received an action on their merits. Further, it is evident that claims 13 - 15 are readable on the elected species and that at least independent

claims 13, 38 and 44 are generic to the elected species. Therefore, it is respectfully submitted that there is no substantive basis for requiring election between the identified species or the separation of claims in accordance with respective species as identified by the Examiner and the requirement should be withdrawn.

Since all requirements contained in the outstanding official action have been fully answered and shown to be in error and/or inapplicable to the present claims, it is respectfully submitted that reconsideration is now in order under the provisions of 37 C.F.R. §1.111(b) and such reconsideration is respectfully requested. Upon reconsideration, it is also respectfully submitted that this application is in condition for allowance and such action is therefore respectfully requested.

If any further extension of time is available and required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Marshall M. Curtis
Reg. No. 33,138

Whitham, Curtis, Christofferson & Cook, P. C.
11491 Sunset Hills Road, Suite 340
Reston, Virginia 20190

{703} 787-9400
Customer Number: 30743